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RES GESTAE

Volume 4, Number 25

"Exhaust all legal remedies"

December 6, 1970

ON MICH

NEW SCHEDULE NEXT YEAR?

FACULTY TO ACT ON SCHEDULE CHANGES

This Friday the faculty will vote on an Administrative Committee recommendation that the fall term be shortened by one week; i.e. next year's first day of classes would be September 2 (versus August 26) and the last day would remain December 11. The proposal also recommends that individual faculty members be authorized to hold special sessions, as regular parts of the course, to compensate for the deleted week. Michigan Law School now has five more days of classes than most major law schools and is far in excess of bar requirements.

The Committee did not recommend that finals be held after Christmas recess, although the faculty favored such a proposal. The Committee explained that "a preliminary student reaction revealed a great dislike for the postponement."

Wednesday night the Board of Directors met on these recommendations and voted in favor of the recommendations to shorten the semester to fourteen weeks--and to keep the exam period before the Christmas break. The Board rejected the proposal which would allow instructors to schedule sufficient extra classes to make up the deleted week.

drugs HERE? YES!

If the law students of today are indeed the lawmakers of tomorrow, it appears likely the prohibitions against marijuana will be removed in the foreseeable future. In a drug use survey conducted in the freshman law class, 87% of the class appears to favor legalization of the drug.

The survey was taken in two criminal law sections, and since the sections and the students in them were randomly chosen, it seems fair to extrapolate the results at least to the rest of the class.

The results of the survey were almost identical in both sections. These results indicate that 63% of the freshman class have used marijuana at least once, and 25 % of the total number responding have smoked marijuana over 25 times. While a systematic search was not conducted, at least two members of the class expressed a preference for eating the plant over smoking it.

Current smoking/eating habits of the class suggest that the drug is not used with a very great degree of frequency (in excess of 25% of the users indulge once a month or less), but this may be attributable to the survey being taken in the middle of the school year. It is at least possible that habits might change over vacations.

continued on page 8.

DEAN ALLEN LASHES AT NEWSPAPER

Dean Allen, in remarks to the Law Review Banquet on November 14, 1970, has criticized Res Gestae for alleged inaccuracies in reporting. The speech began with remarks about new avenues to self-knowledge and understanding the times in which we live. The Dean advanced the theory that catch phrases, slang, and nonsense speech probably contain a message about the people who use such language and the times in which they live.

The Dean then examined one phrase "in popular usage", the assertion "you'd better believe it". The Dean's remarks stated that this phrase captures a mode of thought or mental operation all too typical of these times, and suggests some possibilities for its origin.

"I do not know whether any of these suggestions has any basis in fact. In all seriousness, however, I find no reason to be surprised that this phrase has flourished and burgeoned in the year 1970. This is true, in my opinion, because the phrase captures a mode of thought or a mental operation all too typical of these times. to make this point will require an illustration or two. Probably the best place to turn for examples of the kind of thinking I have in mind is to the campus newspapers. Three weeks ago, on October 23, our own contribution to campus journalism, Res Gestae, published an issue which, despite stiff competition from other campus journals and even from its own earlier issues, distinguished itself as an exemplar of the galloping paranoia of these times. The theme of the issue appeared to be the desirability of the alumni Committee of Visitors, then meeting in the Quadrangle, joining hands with the student writers to extirpate the sins of the Law School. There followed various assertions of the venality of the

of the faculty and administration of the school. It was pointed out that in the preceding week, the faculty had met together on Tuesday instead of its regular meeting day, Friday. This circumstance was viewed as darkly suspicious and as evidence that the faculty was pursuing an improper and conspiratorial course. I was intrigued by this use of evidence; and morbid curiosity led me to the minutes of faculty meetings for the University year, 1969-70. My discovery was that in this twelve-months period the faculty had met twenty-seven times (a horrendous statistic and if the students had protested that, I'd join them on the picket line). Over one-third of these meetings, eleven out of twenty-seven, were held on special call and on days other than Friday. Thus, one might mildly object that the circumstances of a Tuesday meeting hardly, in itself, constitutes a res ipsa loquitur case of faculty conspiracy.

"I shall not burden you with a recital of the other factual allegations advanced in the issue. It is both accurate and sufficient to say that most were wholly, hopelessly, and helplessly in error. But this is not all. In almost every instance the error was avoidable. All that was required of the writers to avoid error was to ask questions of those who might be expected to have answers. The questions were not asked; at least they were not asked of me.

"Having been in or at the fringes of public life for a good many years, I can hardly be unaware that journalistic error is always with us, so much so that the Book of Common Prayer might well be revised to add newspaper inaccuracies to the ills of the human condition listed for recital in the Litany. And yet, one might hope for better from young people aspiring to careers in the law. After all, concern for the accuracy of factual assertions might be thought to be of special concern to law students.

"I believe, however, that one would be

mistaken if he dismissed incidents of this sort as involving simply carelessness and ineptness, although both are often present. After observing the proliferation of similar occurrences on and off the campus in recent years, I have come to believe that what is involved is nothing less than the basic question of how truth is to be determined. It hardly needs to be said that the statements published in that notable October 23 issue were not factual propositions as that phrase has generally been understood for the past three and one-half centuries. These were not statements based on systematic or even casual investigation. They were not validated by any operations involving sensory perceptions. Then where did these propositions come from? I believe it would miss the point to describe the statements as intentionally deceptive. I am prepared to concede that the writers believed what was written; and this, of course, makes the matter all the more serious. Statements of this kind are believed by their authors, for they are conceived by them to be infallible deductions from a body of unchallengeable and unquestioned truth. This body of dogma contains the premise that the Law School, its faculty and administration, are integral parts of a corrupt establishment. The deduction is that the faculty is engaged in conspiracy and skull-duggery --why? because (as everyone knows) that's how members of a corrupt establishment behave. Who needs better evidence than that?

"We are now rapidly approaching the point of understanding why you'd better believe it. You'd better, because (as I have suggested) these propositions are deductions from infallible dogma. We are also now in a position to appreciate what is threatened if one fails to believe. If one challenges these deductions, if he commits the sin of skepticism against his own reasoning, there is the frightening possibility that he may begin to doubt the premises, to doubt those things that

he had thought to be revealed truth. When that happens, the fat is in the fire. The infallible dogma may turn out to be fallible, the unchallengeable truth to be subject to fundamental challenge. All those things upon which one has based his thought, his action, and his life style may have to be reexamined from time to time. There are few experiences more painful than this. If this sort of pain is to be avoided, you's better believe it!"

(The Dean's remarks have been edited because of space limitations, but the deletions made were as limited as possible so as to maintain the full impact of the Dean's remarks.)

REVIEW REVIEW

Prospectus and Law Review have announced plans for a joint writing competition. The competition will be held next semester. From it Prospectus will pick an undetermined number of its staff and Law Review will pick 5 of its 35 candidates. (See Room 100 for the full text of the announcement.)

Alan Loeb, Editor of the Law Review, said this year's competition will be a pilot project to test the feasibility of opening up more places on Law Review to a writing competition. He said that if the competition goes well all places on Law Review may soon be open to a writing competition. Loeb said underlying the competition is a belief that high grades are not the best test of writing ability or commitment. He said that in view of the general skepticism about the present grading system and the pressure for reform, a change in Law Review's method of selection was inevitable.

Loeb said the writing competition will not consider grades at all. Law Review will take whoever wins the competition, no matter how low his or her grades are. He is concerned about the ability of a student with very low grades to handle the extra work. However, he acknowledges that such a student might be more able to handle law review than ambitious grade-oriented students.

COOLEY TALKS

MAURICE ROSENBERG

"Gutted calendars and mobbed courtrooms . . . delays. . . mistreatment of jurors and witnesses. . . excessive delays. . ."

These are some of the ills of big city courts which have served to "tarnish the image of justice for millions of Americans", according to Columbia University law professor Maurice Rosenberg.

Delivering the first of this year's Thomas M. Cooley lectures at the law school Tuesday, November 17, Rosenberg painted a bleak picture of the overworked American legal system, concluding:

"Some of our courts are in such a mess that if Hercules had been asked to clean them up instead of the Agean stables, he would either have fainted dead away or turned and run, bounding over the Acropolis and other tall places in a single leap".

As a solution to the judicial overload, Rosenberg urged lawyers to reconcile themselves to the proposition that "courts cannot do everything to correct society's flaws."

What has to be done, the Columbia professor said, is to review the question of which disputes belong in the courts and which do not.

"Signs abound that some disputes are about to be ejected from the courts," Rosenberg stated. "On the civil side, auto injury cases are the prime candidates. On the criminal side, various offenses against sumptuary, social and sex behavior-- for example, drinking, drugging, gambling, prostituting, etc.--may go the way of minor traffic offenses. They will be

heard by bureau officials instead of judges." Rosenberg noted that the solutions he was proposing were more drastic than superficial "cures and nostrums" which had been tried in the past. To cure the crisis of the courts, he said, "new thoughts are in order, some of which will be unthinkable, or at least unspeakable."

He went on to suggest the following alternatives:

-- The establishment of a system under which some classes of civil disputes are committed to tribunals other than courts. As an example, he noted labor disputes are usually committed to arbitration bodies and settled through the use of mediators.

-- The establishment of "compensation without litigation" systems, such as no-fault auto injury insurance and compensation of victims of violent crimes by administrative bodies in foreign countries and several states.

-- The creation in a number of cities of pilot projects providing immediate cash relief, with an upper limit of about \$200, to consumers with a legitimate complaint about defective products that were sold to them.

This last proposal was offered as a direct alternative to what Rosenberg called "our obsession with the litigation process."

"As matters now stand," he stated, "we tell a person on welfare whose \$75 TV tube has prematurely failed that we are concerned for his rights and will see that they are realized. We turn loose a neighborhood law office lawyer who invests hours or days of work in investigating, telephoning, corresponding and, perhaps, litigating against an adversary whose lawyers are much better paid and who, therefore, invest more and more economic energy than the claim involves."

"Together the lawyers and litigants sometimes wind up in court, where they consume judicial energies bought with public monies. In the end, it must often happen that the claim and litigation costs far exceed the amount in dispute."

Rosenberg said that his "cash relief" alternative would benefit the consumer, who would be offered an instant remedy rather than the tedious litigation process. Also, he said, the system would aid public agencies which could take action against companies producing defective merchandise.

He added that the consumer would not be able to take advantage of the system by presenting dishonest claims if enforcement agencies were to use the same type of "spot checks" income tax collection services use.

MAURO CAPPELLETTI

Many European countries have a longer way to go than the United States in the quest for an "effective, accessible and truly democratic justice," according to Mauro Cappelletti, professor of law from the University of Florence, Italy.

Cappelletti, in remarks given for the Thursday session cited numerous 20th century reforms in European civil procedure. But in many cases, he said, "justice is a luxury which is not accessible to the poor."

Although European countries have established a system of free legal assistance for the needy, often this amounts to nothing more than "poor services for the poor," Cappelletti said. In France, for example, only young and inexperienced lawyers are willing to represent the poor without compensation, while more experienced lawyers prefer to work for pay, he said.

Turning to his native Italy, Cappelletti said that "an application for legal aid must be put in writing, on special stamped paper, and submitted to the legal aid commission . . . and a meritorious claim or defense must be demonstrated by a 'specific' and 'clear' statement not only of the facts, but also of the means of proof available and of the reasons at law."

Thus in Italy, Cappelletti concluded, "in order to be able to ask for free legal aid, one needs legal aid."

In 1965, close to 460,000 ordinary civil proceedings were initiated in Italy in the lower courts, and of this number, only 2,480 were legal aid cases, Cappelletti said. "The proportion is about 0.54 per cent. What a happy country, where only 0.54 per cent of the people are poor!"

He continued: "Unfortunately, everyone knows how things really are. The naked truth simply is that the doors of the courts of justice are closed and sealed to the poor."

Cappelletti said growing awareness of social inequities is one of a number of emerging trends in Europe. Among others, there is a growing "international conscience" - - - or the hope of a more integrated Europe, even in the field of civil procedure, he said.

For example, Cappelletti noted that, as in America, European courts are faced with a backlog of cases. But, he said, attempts to reduce the judicial load "by blocking off some roads to the courthouse"---such as excluding traffic injury cases from the courts---would, in the European view, violate certain constitutional rights, particularly the right of an individual to have his interests protected by "lawful", "impartial", "judicial" bodies --- namely the courts.

"hence, in choosing between alternatives of reducing the excessive judicial load

either by transferring it to nonjudicial agencies or by dividing it among a larger number of judges, the current European solution would bluntly reject the first possibility, no matter how many hundreds or thousands of new judges the new society would have to deliver..."

Cappelletti is currently visiting professor of law at the University of California at Berkeley.

BENJAMIN KAPLAN

In English courtrooms, civil cases are most often conducted without juries and by dispassionate lawyers who are paid on a rigid per case basis.

But in American civil law, cases are held before juries with lawyers who are more than likely to have a financial stake in the outcome.

These are some of the major differences between American and British civil law, according to Prof. Benjamin Kaplan of Harvard University in Wednesday's session of the Cooley lectures.

Kaplan, who based his remarks, in part, on a recent trip to London where he studied the English legal system, declined to answer the question, "Are the English courts better at trying their cases than American courts?"

Instead, Kaplan noted: "at the core the two systems are alike . . . They have not drawn so far apart as to be alien to each other to to mask their common origins."

Commenting on some of the differences between the two systems, the Harvard professor said that in British civil law a jury can be demanded in only a few instances, such as cases dealing with fraud or libel.

The obsolescence of the English civil jury, Kaplan said, has come about

"quite casually, with a minimum of soul-searching." One of its benefits, he noted, is the resulting uniformity of awards and damages --- which often cannot be obtained at the hands of sporadic juries.

Contrasting this to American civil cases, Kaplan explained the "robust survival of the American jury" by noting:

"The jury is enshrined in our constitutions, trails clouds of sentimental rhetoric (and) is seen as a safeguard against undue conservatism or even corruption of judges..."

Kaplan also noted that English lawyers --- or "barristers"--- customarily have a more disinterested attitude toward their cases than American lawyers. This is explained, he said, by the fact that the English system divided the legal chores between "solicitors", ---investigators who are hired directly by the client---and the "barristers"---trial lawyers who are hired by the "solicitors" on a per case basis.

Noting that pre-trial collaboration between the "arrister" and "solicitor" is not common, Kaplan observed: "The fact that the 'barristers' are well separated from their clients (and of course never have a financial stake in the result) means that there is in their manner a considerable detachment."

By contrast, Kaplan characterized the lawyer-client relationships in America as being "free-form" ---with the lawyer collecting contingent fees and other forms of compensation if his client wins the case.

Among other differences between the two systems, Kaplan said that the British procedure of "indemnity fees" --- under which the losing party is obliged to pay the winner's legal expenses in full--- often serves to discourage litigation. In America, he said, the rule is that the losing party reimburses the winner for court fees and a few other items, but the major portion of the expenses fall with the respective parties in the case.

FRIENDLYNESS

OPINION
OPINION
OPINION
OPINION
OPINION

"The Golden Age of Judicial innovation has come to an end."

With this admittedly inexact observation, Federal Judge Henry Friendly, Second Circuit Court of Appeals, had opened the decade of the '60's. Thursday, November 12th, he attempted to prophesy for the '70's before a packed house in Hutchins Hall. Using the quick, jabbing delivery of a bantam-weight, Judge Friendly delineated his conditions in the '50's which had caused him to make that observation and, using the "equal protection" clause as a base, suggested the developments which the error of that statement portended.

In 1954, Judge Friendly related, the decision in Brown v. Board of Education had settled the question of equal rights to education, leaving only the pragmatic details to be resolved. Previously, the Court had settled, in Adamson v. California, that the restraints on federal criminal procedures were not applicable to the states. From this it seemed clear that the Court would retire from its period of judicial activism.

For this decade, Judge Friendly admits, such a course seems unlikely. Although the great activist leader of the Court has retired, replaced by one less so disposed, the Constitution seems to spontaneously generate new issues in response to new decisions. However, for the '70's, Judge Friendly predicated, the emphasis will be in different areas. Characterizing the '60's, a period in which the equal protection clause was interrupted to require equal treatment for those similarly situated, he suggested that the '70's would see the clause as requiring unequal treatment for those differently situated. This development has been presaged by the line of cases receiving free transcripts for indigent appellants, Griffin v. Illinois, and requiring coun-

sel on first appeals, Douglas v. California.

Using this as a base, Judge Friendly by then began an attack on the broad application of judicial legislation. Reflecting on the horrors of Court decisions in the '20's and '30's, he attempted to delineate the difficulties this concept of judicial review creates. He stated that, by extension, it might require free abortions for poor people, an inquiry into unequal treatment in sentencing, and a review of prosecutorial discretion. To the latter, he suggested that it was anomalous to let a guilty man go free only because another man would not even be prosecuted. He found solace in the limits implied in Douglas v. California, where the right was limited to the first appeal, and in Harlan's dissent which denied that, simply because it did not apply to rich and poor alike, a law was unconstitutional. That far, said Judge Friendly, the Court would never go.

The solution, he revealed, is for each of us to work for and in better legislatures, eliminating the rules which give power to the obstructionists, and use them, rather than the Courts.

Judge Friendly is clearly oriented toward an elimination of judicial innovation, an attitude shared by Burger. Justification for this concept could be seen most clearly in his answers to questions as he attempted to show that the legislatures could do a better job in such areas as abortion law. The inherent weakness in such a position was revealed as he attempted to reply to an indictment of the 1968 Crime Bill. This, he explained, can be traced to a reaction by the Congress against judicial legislation.

This explanation, valid though it might be, misses the essential thrust

of concern with present legislature competence. As differentiated from the opinions of the '20's and '30's in Schechter Poultry and Carter Coal, where the Court struck down statutes intended to enable Congress to deal with the fiscal disaster in America, decisions such as Shapiro and Douglas v. California attempt to give relief to the disaster which is the life of indigents today. As it responds to the requirements of the poor, the Court gives voice to those about whom the legislators are indifferent. Lacking the funds and ability to lobby for their interest, the poor cannot effectively assert their rights against the fiscal giants. As such, the Court's innovation is essential for, as shown in Harper v. Virginia, the legislature is even indifferent to their ability to exercise the franchise. To deny the Court the power to strike at such situations is to deny the unequally situated the only voice they have.

- Joel Newman

DRUGS - HERE?- Yes!

continued from page 1

Of the 138 students surveyed, 20 have used drugs other than marijuana. Seventeen of this group had also used marijuana in excess of 25 times, while two had not used marijuana at all. Of the other drugs used, mescaline was by far the most popular, followed by amphetamines, barbituates, and LSD. Other drugs used included peyote, methedrine, ritalin, amyl nitrate, opium, cocaine, and heroin. One person listed heroin, and that person said he or she had "seldom" used it.

In the section questioned on the matter, 15% believed marijuana should be made legal with no restrictions, and 72% felt that legalization should be coupled with controls similar to those now in effect for liquor.

While it certainly wouldn't be reasonable to draw any firm conclusions from the matter, it is interesting to note that the average LSAT score among those who have used marijuana more than once is 675, while the average score among non-users is 654.

There are more correlations yet to be run, and the statistical significance of the above results has yet to be determined, the survey should serve as some indication of the effectiveness of the drug laws, and their reflection - or lack thereof - of the will of at least one segment of the population.

-- Bob Jaspen
Jim Forsyth

AND

ELSEWHERE

**Army Survey
Finds 53 Pct.
Smoke Pot**

**1 American in 10
Has Smoked Pot,
Researcher Says**

GO WHERE

THE ACTION IS

ABA Journal Readership Survey Profiles The 'Typical' Lawyer

The "typical" lawyer who belongs to the American Bar Association is a partner or associate in a law firm, has a total income of \$21,260, drives a Ford or Chevrolet, and enjoys a variety of sports and hobbies.

These facts were revealed in a readership survey conducted by the *American Bar Association Journal* among a cross section of ABA members. Questionnaires were mailed to 1,015 lawyers, and responses from 535 questionnaires returned—an impressive 52.7 per cent of the mailing—were tabulated. The *Journal* will publish an analysis of the results in its December issue.

Asked to estimate their total average annual income, from law practice and other sources combined, 23.7 per cent of the respondents reported that they are in the \$15-20,000 range, and another 23.6 per cent indicated an income between \$20-30,000. In the \$30-40,000 category are 15.5 per cent, and 13.6 per cent earn \$50,000 and up. The median income is \$21,260, and the mean (arithmetic average) is \$27,960.

Most of the respondents, 87.5 per cent, spend the major portion of their time practicing law. Of these, 52.9 per cent are partners or associates in law firms; 19.8 per cent are sole practitioners; 8.6 per cent, salaried corporate lawyers, and 5.4 per cent, government attorneys. Slightly over half of those in law firms work with five or more lawyers, and 15.3 per cent are in firms of 20 or more lawyers.

Almost three-fourths of the lawyers who replied own their own homes; 15.3 per cent also own or rent a second house or other quarters. The majority, 60.6 per cent, live in areas with a population of 10,000 to one million, and 30.1 per cent reside in metropolitan areas with more than one million people.

Well over half the replies, 58.5 per cent, reported ownership of two automobiles; 12.7 per cent have three or more cars. The most popular makes are Ford, 35.9 per cent, and Chevrolet, 29.9 per cent. Only 9.7 per cent own Cadillacs, and 3.3 per cent Lincolns. Foreign cars, with Volkswagen in the lead, are owned by 23.6 per cent.

The survey revealed that lawyers are a well read lot. Asked how many non-legal books they had read last year, 4.1 per cent estimated 91-100 works, and one respondent placed the figure between 201-250. Over 11 per cent reported reading 11-15 books; 19.6 per cent, 6-10 books; and 23.9 per cent, 1-5 books.

The stereotype of the lawyer as a slave to his work was smashed by responses showing widespread interest in a number of sports and hobbies. Among the more common sports, swimming is the most popular, followed by golf, fishing, tennis, hunting and skiing. Yet 44.9 per cent of these replying named an array of other sports, including boxing, flying, ice boating, judo and mountain climbing.

Similarly, 173 different hobbies were listed. Photography, reading, gardening,



music and travel claim the greatest numbers. But other hobbies noted covered a vast range of interests, including anthropology and archaeology, baking and cooking, beekeeping, wine making, magic, bird watching and girl watching. About one-fifth play a musical instrument.

Half the lawyers take one vacation per year, and one-third take two. They have travelled widely outside the country: 64.1 per cent have taken pleasure trips abroad, averaging 4.4 times per person; and 27.1 per cent reported business travel, averaging 3.2 trips per respondent.

"I can tell you with perfect assurance that I could not pass a bar exam today, even though I've practiced law for many years . . . Bar exams are probably irrelevant in many cases, even to the capability of the man to practice law."

Morris B. Abram, President
Brandeis University

Fraser-Borgmann Trial

EXCERPTS FROM ARRAIGNMENT TESTIMONY

IN THE MUNICIPAL COURTS OF PHILADELPHIA

DIVISIONAL POLICE COURT NO. 7

44TH & PARKSIDE

PHILADELPHIA, PA., APRIL 18TH, 1969

BEFORE: HON. JOSEPH A. MURPHY, J.

CROSS EXAMINATION

BY MR. SEGAL:

Q Lieutenant Fencil, do I understand this Warrant was issued on the 8th of April, by Judge Weinrott?

A That is correct, sir.

Q Just as a matter of information, what time of the day or night did that take place?

A I believe that was in the afternoon, sir.

Q Is there any reason why this Warrant was not executed on the same day rather than on the 9th of April, the following day?

A I have no reason other than possibly the place was still under surveillance.

* * *

Q Let me ask you this, the photograph that you have shown to his honor this morning shows three lengths of pipe, each of which is threaded on both ends; is that correct?

A Yes, sir.

Q On these threaded ends there are metal caps; is that right?

A That is a pipe cap, I think.

Q When your officers found these pieces of pipe were the pipe caps on the pieces of pipe?

A I believe two of them were on it and two caps were off.

* * *

Q But, your recollection is at least one of these pipes did not have the cap on it at the time they were found in or about the refrigerator?

A To the best of my knowledge, yes, sir.

Q But, you have no idea who put the cap on at least that one pipe?

A I did not observe anyone put the cap on.

* * *

A Mr. Fraser made statements all during the search of the fourth floor, such as we were harassing him. This is police harassment, you know, we don't have nothing here. It was the entire time of the search on the fourth floor, the entire time of the search on the third floor right up into the kitchen, then he shut up.

Q Did you ask him about these items?

A I asked him what did he know about that. He made no answer.

Q He made no answer to you at that time?

A Yes, I believe he made other statements and pulled out a pamphlet, something about jobs, income and housing and was reading from that.

Q Did he ever acknowledge possession of those items or acknowledge that those items were in his apartment?

A No, sir.

* * *

Q In reference to the speeches, was he speaking to anybody in particular? Were there television camera in the apartment at that time?

A Yes, a crew of TV men came approximately a half hour after we were in the apartment, shortly after I had requested a wagon to come to the apartment and stand by, over the ham radio set, which we had there.

Q What television station was it, do you remember?

A I believe it was channel 3, sir.

Q KYW?

A Yes, sir.

Q Had you told KYW about the impending search that day?

A No, sir, I did not.

Q Did anybody in your unit that you know of tell KYW of that search?

A I have no knowledge of anyone from the unit doing that.

* * *

Q What did you do to preserve the fingerprints on all these items to determine whether any of the defendants in this case or any other person had handled those particular items?

A Preserve the fingerprints?

Q Yes, sir.

A I don't think at the time we could have preserved fingerprints. It was necessary to pick some of this up from the floor.

Q Did you or any of the other officers who handled these items pick them up either with tongs, tweezers or with handkerchiefs in order to preserve whatever fingerprints there might be on those cans to help identify the individuals who had been handling or having possession of the particular items?

A No, we did not.

Q Why not?

A We just did not do it.

* * *

MR SEGAL: If your Honor pleases, I want to say at the outset that I reiterate what Mr. Borghmann told Lieutenant Fencil, that he had no knowledge and no awareness of these explosive materials, if they were in fact in his apartment at any time prior to the search by the officers, but more important, your honor, unfortunately this Court is not in a position to judge guilt or innocence. You must only consider the simple facts presented by the Commonwealth because the defendants at this level do not have the opportunity to respond to the charges. The principal charge against the defendants is Violation 417, involving the possession of explosives, however, the Statute says any person who possesses explosives with intent to do damage or harm to another person or property may be convicted. Under the Statute this case is totally absent of any evidence of intent. The Commonwealth must prove the element of intent. In this case there is absolutely not a single shred of evidence as far as Richard Borghmann is concerned. There is no evidence at all of any intent to do any unlawful act against any person or property. I wanted to distinguish for your Honor the Statute that deals with carrying a concealed deadly weapon, which also requires the intent to do harm. In other words, it is not a crime under our law to carry a concealed deadly weapon unless there is an intent to commit a wrongful act with it. The Statute states the intent to do wrong may be inferred or concluded by your Honor or by any court merely from possessing the weapon. In other words if you have a weapon and it is concealed the Statute says that is an inference of intent to do wrong, but the Statute on

possession of explosives does not say that. The Statute states that you must establish, at least at a prima facie level some evidence and I wouldn't even suggest the amount of evidence that might be necessary, but there must be some evidence in order to prove an intent to do wrong. I submit to your Honor that I have heard no such evidence in this case. Of course, as to the conspiracy charge, that of course is enbalm'd in the possession charge and would fall if the possession charge does.

O.A.

MR. ALESSANDRONI: Your honor, if we were living in a farm community and if the explosive was dynamite, which was to be used to remove stones and boulders and tree stumps, that might be a different situation. We are living here in a city of homes and not a rural area where this dynamite would be needed. It is not a construction site. It is very interesting to note, your Honor, that one of the items here which I believe was identified as a C-4 plastic explosive, which my information at this point states that it is a governmental or military explosive, which is not for sale. You have three lengths of pipe and you have gun powder or rifle powder, which is used to accelerate the explosive. This can be used to be made into bombs of some type and to be used against property or people. Mr. Segal asked Lieutenant Fencel what kind of damage these can do. They can do an awful lot of damage.

We must realize that today's establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution.

Justice William O. Douglas
Points of Rebellion

It's really a wonder
that I haven't dropped all my ideals
because
they seem so absurd and impossible,
impossible to carry out.

And yet,
I keep them,
because,
in spite of everything
in spite of everything
in spite of everything
I still believe,
I still believe,
that people
are really good at heart.
That people
are really good at heart....
Good at heart....

BULLETIN

Attorneys for Defendants Fraser and Borgmann were granted a continuance in the trial which was to have begun in Philadelphia on Tuesday. The trial is now set to open on January 7. The Ann Arbor Defense Committee is still seeking members for educational work here during the trial. All who are interested may call Roger Tilles (769-8499) or Peter Rush (769-6557)

Clinical Legal Studies...

This is an essay written at the request of the Council on Legal Education for Professional Responsibility to discuss issues in clinical legal education in the light of actual recent experience. It is included in this issue to dramatize the need for careful planning of our clinical law program as well as to encourage students to think seriously about their commitment to the program.

SUPERVISING STUDENTS IN LEGAL CLINICS OUTSIDE THE LAW SCHOOL

BY Professor Arthur N. Frankt
Rutgers University School of Law

Believing that clinical experience is an important element of legal education, Rutgers-Camden initiated a clinical legal education program in the fall of 1969. Existing public law agencies were chosen as the sites for the students' clinical experience, this choice determined by a) the manpower shortage in these agencies which are striving to meet expanded community needs and b) the lack of funds to establish a clinical setting within the law school.

Although it would be premature to come to any firm conclusions on the basis of one year's experiment, we can discuss the difference between the anticipated and the actual performance of students

in this clinical program and offer some tentative observations on the way that clinical programs utilizing independent agencies function. We shall also suggest alternative models for clinical programs.

The Rutgers-Camden plan is essentially a simple one. Upper class students chosen to participate in the program (some 35 in 1969-70 and over 50 this year) are assigned to different public law offices. Students are required to work for 7 to 10 hours per week within these offices and to participate in any prescribed supplementary academic endeavor. Each semester of successful participation results in the award of one academic credit. One faculty member is designated as clinical professor but rather than directly supervise the efforts of individual students, he serves as a coordinator of the program maintaining such contacts with each individual office as are necessary to assure that the students are gaining a meaningful clinical experience and that each student is performing his assigned task in an adequate professional manner. To aid the clinical professor, the student participants elect a student Board of Governors which serves as a general policy making board for the clinical program. Financial support for the program is provided by CLEPR and Rutgers University.

It was anticipated that the most educationally rewarding experience as well as that which afforded the greatest service to the community would be obtained by students participating in Camden Regional Legal Services (CRLS), an OEO-funded agency. Students were to gain broad practical knowledge by functioning as actual attorneys with their own assigned cases. The student attorney was to deal with all aspects of a case, from initial interviews, to in many cases, courtroom representation

under a special practice rule approved by the New Jersey Supreme Court. To implement the plan, a substantial part of our temporary law school facilities was turned over to CRLS for a student law office.

By contrast, it was anticipated that the smaller number of students assigned to the New Jersey Public Defender's Office, the U.S. Attorney's Office and the Camden County Counsel's Office would have valuable but limited experiences.

The results of the first year program were often surprising. First, with some outstanding exceptions, the policy that a student would act as the actual attorney with overall responsibility for cases had to be modified and, eventually, temporarily abandoned.... The problem of supervision was exacerbated by the limited number of hours the students were employed and the demands of the school calendar....

As a result of this negative experience, during the second semester a young CRLS lawyer was assigned to the student office and was designated to be the managing attorney. All students were responsible to him.... Under this reorganized plan, the student law office functioned in a far superior manner than it had previously.

In contrast, the experience in the Public Defender's Office was generally a very positive one. Twelve students were assigned; six working with the state appellate section and six with a local trial division. At the end of the first semester the students were switched so that by the end of the year all had an equal amount of trial level and appellate experience. A different lawyer each semester was assigned to supervise the work in the appellate section.... On the local level, students were assigned to individual attorneys where, as was the case with CRLS, the quality of their experiences was varied....

Among the impressions which were gained through the year's experience, one stands out. It is that the quality of a complete clinical experience is largely dependent upon the quality of the supervision. Individual students who were assigned to attorneys ostensibly performing the same functions reported great variations in the manner in which they were utilized; the time spent by the attorneys in working with them; and the ultimate amount of work accomplished. Therefore, it is clear that variations in quality of supervision are a primary concern in assigning students to outside public law agencies for clinical experience. If there are serious initial doubts about quality of supervision in a particular agency, I would suggest that no program be undertaken with it. Once initiated, withdrawal of students can cause serious political difficulties and can engender bad feelings harmful to the students and the school.

Another important conclusion drawn from our experience is that the more varied the experience the greater the time that must be devoted to it. The 7 to 10 hours per week that our program called for in its initial year was totally inadequate for those employed in the student office of CRLS. Too many skills had to be acquired initially and even when these skills were present, there was seldom sufficient time for the students to successfully perform all the tasks of an attorney. Those students who were most successful in this role worked upwards of 15 to 20 hours per week, and usually had prior experience. On the other hand, the more traditional forms of student legal work were easily accommodated to the students' time schedule. Clerking in the U.S. Attorney's Office has largely involved the preparation of legal memoranda, work on appellate briefs for the New Jersey Public Defender's Office and the work done within a specific section of CRLS (urban law reform) was, in conventional terms, the work which was most successful. Of course, objections may be raised that this kind of work may

not present an educational experience qualitatively different to any great degree from the experience gained in academic seminars.

If a school desires its students to undergo a clinical experience which will afford them the opportunity to function as attorneys, it must be prepared to have the students invest a considerable amount of time in the program....

Letters to the Editor

To the Editor:

Concern about the Hutchins Hall lounge has become one of the major issues of our time at the law school. Assistant Dean Kuklin was heard to say that he was against upgrading the lounge because he thought that everyone would use the elevator to get down to the basement and that they would probably take their dogs and cats to the lounge if it were cleaner. A faculty representative said he thought that the U/M should wait til Harvard and Yale upgraded their law student lounges before any action was taken here. He said that Michigan students might get a reputation for being loungers otherwise. At any rate, a petition supporting lounge improvement circulated in three classes and acquired a grand total of zero signatures. In Tax II it never got past the front row. No loungers there. But after being posted on the wall the petition did manage to gather over 88 signatures indicating a major revolution is apparently underway against anti-lounge forces.

It was refreshing to read Dave LeFevre's idea (in RG last week) of a hot buffet which he so subtly attempted to attribute to me. In all modesty, however, I had merely envisioned a limited fresh food service similar to that in the Business School lounge. It's encouraging to see

that Dave and the Lawyer's Club Board are picking up the ball and improving on my idea. No doubt we can expect some action before long.

The fact is that the concession in the Business School lounge offers fresh food at reasonable prices, and the profit pays for everyone's bluebooks and other extras. It appears that such an operation here would not have to be subsidized by the Law School. In his RG article last week Dave indicated that some of the other lounges have been improved and additional plans exist to do even more. I would like to emphasize that most law students don't live in the law quad. Consequently they seldom venture outside the library and Hutchins Hall when they are on campus. The only lounge that most law students can use conveniently (particularly when the weather is uncomfortable) is the Hutchins Hall lounge. It seems to me, therefore, that the HH lounge should be given some sort of priority.

At any rate, it is comforting to know the Lawyers' Club Board is looking into it. Even Dean McCauley, at great risk to his health, ventured into the HH lounge one afternoon last week to find out what the situation was.

--Joseph Sinclair

Editor: Roger Tilles
Associate Editor: Tom Jennings
Feature Editor: Mike Hall, John Powell
Articles Editor: Mike McGuire
Staff: Joel Newman, Helen Forsyth,
Richard Bertkau, Bob Spielman, ~~Ken~~
Siegel, Joe Sinclair

SPORTS

Football season is almost over. Right?? You've heard the last from the Hammer Twins. Right?? Wrong!! We're back bigger, better, and smarter than ever. It's sports quiz time, fans. The prize remains the same: fame and fortune plus a Dominick's gut buster. Just circle the correct answer and leave the completed forms in the box outside Room 100 or across from the Lawyer's Club office before noon, Tuesday.

Aaron Bulloff, that well known buckeye fancier, was the apparent winner of the Ohio State-Michigan poll. I say "apparent" because once more the phantom of Hutchins Hall made off with the entries left outside of Hutchins 100. Nice work, Phantom. May your soul roast in Hell.

As for those entries that we did receive, the scores looked like this. Remember, a perfect score would have been 140.

Aaron Bulloff	61.30
Jack Alderman	51.85
Craig Calhoun	29.00
Joe Kummell	28.70
Chuck Lax	27.93
Ray Jast	24.35
T. Martin	23.53
Pat Semegan	21.35
Chuck Holt	21.00
Diane Dreyfuss	20.25
T. Forman	12.5
Steve Greenwald	12.45
Steve Dawson	9.50
Billy Cordes	9.43
Moriyama-san	7.10

--The Hammer Twins

1. USC's basketball squad this year is composed of a core group including "Mo" Layton, George Watson, and Leroy Cobb, all of whom played for the number one high school team in the nation in 1966-67. That team was (1) Newark Central (2) Newark West Side (3) Weequahic (4) Newark South Side.
2. The most amount of put-outs ever recorded by Hank Bauer, former Yankee great, in one game was (1) 8 (2) 9 (3) 10 (4) 11.
3. The last Met to make out in Jim Bunning's perfect game was (1) George Altman (2) Cliff Cook (3) Tim Harkness (4) John Stephenson.
4. In the Mets' first year of existence, they had a Canadian pitcher of ill repute. He was (1) Ray Daviault (2) Pierre LaChance (3) Claude Raymond (4) Mike Francis.
5. The quarterback with whom Norm Van Brocklin shared top honors for the L.A. Rams in the early fifties was (1) Bob Waterfield (2) Lamar McHan (3) Tobin Rote (4) George Blanda.
6. The first pro team that John Unitas ever played for was (1) Pittsburgh (2) Baltimore (3) St. Louis (Chicago) (4) San Francisco.

7. The L.A. RAMS once traded 12 men, including five future All-Pros, for
(1) Dick Bass (2) Jon Arnett (3) Billy Wade (4) Ollie Matson.
8. In 1965 the winner of the New York State 100 and 220 yard dashes was
(1) Peter Gustafson (2) Bruce Pratt (3) Tony Hom (4) Louie Matis.
9. The catcher when Maury Wills stole his 104th base in 1962 was
(1) Hobie Landrith (2) Ed Bailey (3) Joe Cadiz (4) Tom Haller.
10. In 1965 one pitcher was 5-0 against the pennant-winning Dodgers. That man was
(1) Larry Jaster (2) Gaylord Perry (3) Bob Gibson (4) Sammy Ellis.
11. We all know that professional basketball player Happy Hairston comes from NYU. Who was his teammate, an All-American, who never made it in the pros?
(1) Art Heyman (2) Bruce Kaplan (3) Moshe Mendelsohn (4) Barry Kramer.
12. The Knick's first draft choice when Jerry Lucas was a senior was
(1) Jimmy King (2) Billy McGill (3) Paul Hogue (4) Emmant Bryant.
13. Wilt Chamberlain hit the century mark against the (1) Royals (2) Bulls (3) Knicks (4) Pistons.
14. Ajax Triplett, Manny Newsome, and Dolphus Pullium all played for this famous Indiana b-ball squad. (1) Muncie Central (2) Gary Roosevelt (3) Indiannapolis Washington (4) Lafayette Jefferson.
15. The American Indian who won the 10000 meter race in the 1964 Olympics was
(1) Billy Mills (2) Charlie Henderson (3) Mike Collingwood (4) Henry Packerson.
16. In that same Olympics, who won the 100 yard backstroke for women?
(1) Christine Schmidt (2) Ericka Waters (3) Debbie Meyers (4) Ginny Duenkel.
17. K.C. Jones coached what New England team for the last three years?
(1) American International (2) Springfield (3) Worcester Polytech (4) Brandeis.
18. Which slugger smashed the ball that Willie Mays made his famous catch in the 1954 World Series? (1) Al Rosen (2) Vic Wertz (3) Bobby Avila (4) Larry Doby.
19. The last man to win 40 games was (1) Grover Alexander (2) Walter Johnson (3) Jack Chesboro (4) Mordecai "3-fingered" Brown.
20. Bob Knight's assistant coach at Army the last few years, Al LeBalboa, was formerly the coach of the doormat team of New Jersey's Big Ten Conference. That Team was (1) Nutley (2) Belleville (3) Orange (4) Irvington.

TIE BREAKER Michigan _____ Harvard _____

NOTES FROM

Innocent Party of the Week

The General Motors Corporation and the families of two persons killed or injured while riding in Chevrolet Corvairs have settled out of Court two separate civil suits involving a combined total of \$891,900. Both suits alleged that Corvair cars had been defective in design. Earlier this year GM made another out of court settlement with Ralph Nader in the range of \$500,000. General Motors has consistently reaffirmed their innocence in the cases.

Negative Pregnant of the Week

The Air Force has been trying for more than two months to discharge Captain Susan Stack, an unmarried pregnant nurse, who is presently expecting a baby. Court injunctions have kept her in uniform while she fights to continue serving as an Air Force officer after the child is born. If she wins, she'll become the first mother, unwed or not, to remain in the service. The Louisville, Kentucky, native said she has vowed to "stay out of trouble" after the case has been settled.

Honor America Education Program of the Week

A Boy Scout Council Board of Review unanimously endorsed James Clark, 16 years old, for an Eagle Scout award that had been denied him earlier because he is an atheist. An official of the Narragansett Boy Scout Council originally had ordered the award withheld, but after his decision was made public, other officials said the youth's case would be reconsidered. God is not necessarily a Boy Scout.

Equal Rights and Equal Responsibility Judge of the Week

Circuit Judge William E. Gramling ordered Mrs. Mary A. Russell this week to pay

William Moes to help raise their four children whose ages range from 7 to 16. Mrs. Russell received a divorce in 1968 on grounds of cruel and inhuman treatment. Mr. Moes was given custody of the children. In his petition, Mr. Moes said he was laid off from his \$115 a week job and was working as a bartender at \$2 an hour. If his former wife contributed to his children's support, he said, he could spend less time working and give more time to the children. Mr. Moes was supported by Women's Liberation groups in Milwaukee.

"We Could Have Told You That Long Ago" Judge of the Week

Judge Samuel J. Silverman, having ten more years to go to his term as Manhattan Surrogate, will return to the New York State Supreme Court, which he left four years ago, because, says Silverman, "I couldn't change the system." The Surrogates oversee the processing of more than one billion dollars in estates. An integral part of the court work is the designation of guardian lawyers and the size of the fees they receive, which comes out of the estates, a practice that has given rise to charges that the court has been used to favor friends, relatives, and political cronies of a judge. Judge Silverman had planned to reform --and even abolish--the court.

Cite of the Week

How to make a girl sandwich. 313 F. Supp. 691, 692

THE UNDERGROUND

Editorials

Res Gestae strongly commends the announced joint writing competition for Prospectus and Law Review. The proposal is a cautious but workable beginning. The 8 week period and 30 page limit should make it more a test of ideas than hours spent. Most importantly it offers an alternative form of salvation other than grades.

We urge both publications to run a real writing competition and not resort to grades to decide between close entries. It is essential that Law Review set total writing competition selection as a firm goal for the near future.

The "opening-up" process should not stop with a writing competition. Law Review must urge students to take advantage of its policy of publishing worthwhile papers by non-members. Law Review and Prospectus should find ways of sharing their resources with the rest of the students. They could offer carrel space to students with deserving research projects. Students with really bad grades could also benefit from the use of a private carrel. Also they might organize and teach needed courses or sponsor review sessions before exams.

M.H.

On The Deans

The Old Dean:

The staff of the Res Gestae would be among the first to admit that the Res Gestae is not a perfect publication. There is always the possibility of error in reporting news - even in a bastion of truth such as the Law School. The issue of October 23 may have contained factual errors as Dean Allen alleged, but since the Dean has not taken the trouble to point them out - either publicly or privately - the editorial staff cannot make a judgment as to whether the Dean's allegations are, in fact accurate. The only "factual" error pointed out by the Dean in his remarks is in reference to an alleged use of the holding of a faculty meeting on Tuesday as evidence for a res ipsa loquitur case of faculty conspiracy. Before replying to the substance of the Dean's allegations, it should be pointed out (in line with the Dean's remarks about factual misrepresentation) that the Res Gestae did not state that the faculty meeting was either improper or conspiratorial.

What the Dean so colorfully describes was actually a request to the Committee of Visitors to attempt to talk to representatives of all groups in the law school community - not just the student editors. This was a plea for communication. Communication is lacking significantly between different elements of the law school community.* Our editorial among other points, sought an end to this non-communication.

* Something that Dean Allen, in his cloistered tenure, has not propitiated from the administration. (Hopefully the new Dean will put improved communications high on his list of priorities.)

The editorial also raised the question of discrimination against women. This the Dean didn't bother to mention in his speech. This issue has been raised a number of times in the Res Gestae. The Dean apparently feels that minor factual errors in the Res Gestae are more worthy of public comment than sexism in the Law School. The Res Gestae has raised questions as to the insufficient student representation on the Dean Selection Committee. The Dean did not comment on this.

The point is that in attacking a minor flaw in a single Res Gestae editorial, the Dean and other critics of similar academic ilk, are neatly avoiding meeting significant substantive questions raised in that editorial and other editorials and stories.

As has been stated, the Res Gestae staff does not consider itself infallible - we do make mistakes as does everyone. Here the Dean made no startling revelation in stating that there were factual errors in the past. One problem is that the administration seems to find security in secrecy, and in significant ways fails to avail itself of the pages or reportorial coverage of the Law School newspaper.

The really tragic thing in the Dean's use (or misuse) of the Res Gestae as an example of what is wrong in the world is that in doing so he ignores what is true in the Res Gestae. In attacking an apparent, minor factual distortion the Dean neatly avoids considering the important substantive questions raised in the same editorial that he so vehemently criticizes.

Possibly being a lawyer, the Dean has been trained to make the most of mistakes in an opponent's case. In doing so, however, the Dean as the leader of a great law school puts himself in the position of being unfair and myopic with regard to the problems facing this institution.

What the Dean characterizes as the theme of the issue, "the desirability of the alumni Committee of Visitors . . . joining hands with the student writers to extirpate the sins of the Law School" is not that at all.

The editorial staff of the Res Gestae is accused in the speech of distinguishing "itself as an example of galloping paranoia of these times". The Dean is, of course, not paranoid in the least using the Law Review banquet to lambaste a single editorial in the Res Gestae. Such a reaction is somewhat akin to using a firehose to put out a match while ignoring a burning building.

The Dean accuses the Res Geatae of making "...factual allegations ***wholly, hopelessly and helplessly in error." To paraphrase the Dean, he hardly makes a prima facie case of wholesale factual errors.

The editorial staff of the Res Gestae asks the Dean to examine his own "infallible deductions from a body of unchallengeable and unquestioned truth". This reply to the Dean has delineated important questions facing the Law School. The Dean is asked to consider them. It is hoped that as much effort would be applied to solving them as was applied to avoiding them the first time. It is further requested that if the Dean has any criticisms of factual errors in the Res Gestae that he communicate them to a member of the editorial staff, just as the Dean himself would want communications aimed at him to be addressed to him.

The pages of the Res Gestae are open to the Dean - as they are to any member of the Law School community. If the Dean feels that he has been treated unfairly in the pages of the Res Gestae, he is free to reply in the Res Gestae. There is no need for sub rosa replies under the guise of an example in a speech to the Law School Select.

The New Dean:

Sometime between now and January, the Dean Selection Committee will make its "Recommendations" to President Fleming regarding a new Dean for the Michigan Law School. We feel that, in this our last issue for the current semester, we must take one long, last look at the whole procedure.

The Committee itself has been secret in its dealings, excluding realistic inputs and discussions from the law school community -- students and faculty. As such the Law School community is unable to have an impact on this committee, which as we have pointed out is a rather unrepresentative one at that.

In its composition, the committee has two members who headed the Selection Committees that appointed Deans Francis Allen and Allen Smith. Hence, we suspect that rather than a new set of criteria for dean candidates, the old traditional ways--"the way we did it when we were looking before"--have again prevailed. Also, with two young untenured faculty members on the committee, we fear that they do not necessarily reflect the real thinking of the younger faculty members nor do they necessarily reflect the unrestrained manner of one who does not have to have his tenure passed upon by other faculty members and under a new Dean. By this we are not questioning their integrity, but rather attempting to merely suggest that a more vigorous input on their part may be tempered by the "realities of academic advancements".

Next, let us go to the role of the President in the whole process. Without announcing who the possible choices for the Dean Selection Committee were, the Law School was saddled with a committee--appointed by Robbin Fleming. Throughout the discussion over student members, the line of communication ended with former Dean and now Vice President, Allen Smith. We wonder, therefore, what role will Vice President Smith play in the Law School's selection of a new Dean? Combining the fact that Smith's presence is known, that it was Fleming's selection of the committee to screen Dean candidates, and that it will be the President's ultimate decision on who will be the new Dean, we feel that a certain fraud may be being perpetrated on the Law School.

Against this unscenic procedural backdrop, let us, however, try to consider what kind of person the committee should sincerely consider. Based on opinions expressed by students, and some faculty, an "outside" dean would be desirable. Why? Primarily because such a person could, we trust, bring a new way of thinking and acting to the Law School. We do not disregard those presently on the faculty at Michigan Law School (in fact, at another time, we would consider at least one of our faculty to be an excellent choice - a fair and innovative mediating force) but rather we feel that most are in the "Michigan tradition", a tradition while long and proud is not the only one. Furthermore, we cannot help but believe that a Dean not restrained by the relationships of present faculty association and his own reputation as a "nice guy" can truly be far more effective in moving Michigan ahead in the 1970's. Lastly, we fear that a Michigan man as Dean will only continue the pattern of inbreeding in selections.

In wishing our readers success in their examinations, we also wish and urge you to get involved in who and how your new Dean will be selected. It is indeed late but there is still time.